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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,296	10/31/2000	Dana Lynn Blair	2705-127	2274

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EXAMINER

HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 07/23/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/703,296

Applicant(s)

BLAIR, DANA LYNN

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Responsive to amendment received on May 20, 2004, amended claims 1, 6, 11, 14, 15, 17, 18 and 20 are entered as requested.

Claim Objections

2. Claim 2 is objected to because of the following informalities: The claim has been amended to "personal computer". However, the applicant marked the claim as "original". It is not clear whether the applicant intends to amend the claim or not. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claim 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaziri et al. (WO 98/37665).

In regarding to claim 1, Vaziri teaches a method for converting a public switched telephone network call to a data network call, the method comprising: receiving the public switched telephone network call from an origination phone at a destination phone 504; identifying a caller identifier for the public switched telephone network call at the destination phone 610; rejecting the public switched

transmission call prior to the public switched transmission call being completed 506, 510; placing a call to a network service provider from the destination phone 510; determining a network address for the origination phone 516; and completing a network call with the origination phone 520.

In regarding to claim 2, Vaziri teaches the destination phone as a personal computer 1304 (Page 42 Line 17).

In regarding to claim 3, Vaziri teaches the destination phone as a customized telephone (Page 6 Line 8).

In regarding to claim 4, Vaziri teaches the call to the network service provider 706 made via PSTN 702.

In regarding to claim 5, Vaziri teaches the call to the network service provider made via a local area network (Page 44 Line 1-2).

In regarding to claim 6, Vaziri teaches a method for converting a public switched telephone network call to a data network call, the method comprising: placing a public switched telephone network call from an origination phone to a destination phone 502; detecting a rejected call from the destination phone at the origination phone prior to call completion 506, 508; placing a call to a network service provider from the destination phone 508; determining a network address

for the destination phone 516; and completing a network call with the destination phone 520.

In regarding to claim 7, Vaziri teaches the origination phone as a personal computer 1304 (Page 42 Line 17).

In regarding to claim 8 Vaziri teaches the origination phone as a customized telephone (Page 6 Line 8).

In regarding to claim 9, Vaziri teaches the call to the network service provider 706 made via PSTN 702.

In regarding to claim 10, Vaziri teaches the call to the network service provider made via a local area network (Page 44 Line 1-2).

In regarding to claim 11, Vaziri teaches a network phone, comprising: a phone connector operable to connect to a public switched telephone network 406; a transmitter 2B15 operable to transmit signals corresponding to a phone number for a call destination and a call identifier; a detector 2B15 operable to receive an incoming call from another station and detect supplementary signals associated with that call; a processor 2B03 operable to place a public switched telephone network call to a service provider in response to the supplementary signals 508; detect a network address for the other station 516; and complete a network call between the network phone and the other station 520.

In regarding to claim 12, Vaziri teaches the network phone as a personal computer 1304 (Page 42 Line 17).

In regarding to claim 13, Vaziri teaches the network phone as a customized telephone (Page 6 Line 8).

In regarding to claim 14, Vaziri teaches receiving a public switched telephone network call from an origination phone at a destination phone 504; identifying a caller identifier for the public switched telephone network call 610; rejecting the public switched transmission call prior to call completion 506, 510; placing a call to a network service provider from the destination phone 510; determining a network address for the origination phone 516; and completing a network call with the origination phone 520.

In regarding to claim 15, Vaziri teaches the software code executed by a personal computer 1304 equipped to place public switched telephone network calls (Page 42 Line 17).

In regarding to claim 16, Vaziri teaches the software code executed by a customized telephone (Page 6 Line 8).

In regarding to claim 17, Vaziri teaches placing a public switched telephone network call from an origination phone to a destination phone 502; detecting a rejected call from the destination phone at the origination phone prior to call

completion 506, 508; placing a call to a network service provider from the origination phone 508; determining a network address for the destination phone 516; and completing a network call with the destination phone 520.

In regarding to claim 18, Vaziri teaches the software code executed by a personal computer 1304 equipped to place public switched telephone network calls (Page 42 Line 17).

In regarding to claim 19, Vaziri teaches the software code executed by a customized telephone (Page 6 Line 8).

In regarding to claim 20, Vaziri teaches a network phone, comprising: a means 406 for connecting to a public switched telephone network; a means 2B15 for transmitting signals corresponding to a phone number for a call destination and a call identifier, a means 2B15 for receiving an incoming call from another station and detect supplementary signals associated with that call; a means 2B03 for placing a public switched telephone network call to a service provider in response to the supplementary signals 508; a means 2B03 for detecting a network address for the other station 516; and a means 2B03 for completing a network call between the network phone and the other station 520.

Response to Arguments

5. Applicant's arguments filed on May 20, 2004 have been fully considered but they are not persuasive.

The applicant argued that "The ISB only operates upon initiation by the user and performs several of the functions referred to in the Vaziri text at Figure 5. In contrast, the instant invention is related to a method and a phone that performs those functions automatically, without any intervention by the user." (Remarks Page 6 Line 10–13). While Vaziri teaches the operation upon initiation by the user, Vaziri also teaches the automatic operation of the Internet Switch Box (ISB) (Page 6 Line 15–17).

The applicant argued that "The phone is not performing the functions in Vaziri, the ISB is." (Remarks Page 6 Line 19). Vaziri teaches the ISB integrated within the telephone (Page 5 Line 4–5), therefore, whatever functions the ISB performs, the phone is performing.

The applicant argued that "Vaziri specifically teaches away from a personal computer." (Remarks Page 6 Line 21). While Vaziri teaches the internet telephony that does not require PC, Vaziri also teaches the embodiment where the phone is PC (Page 15 Line 8–9).

In regard to claim 1, the applicant argued that "Vaziri does not teach identifying a caller identifier for the PSTN call at the destination phone." (Remark page 6 Line 24-25). Vaziri teaches identifying a caller identifier for the PSTN call at the destination phone (Page 15 Line 4-5).

In regard to claim 1, the applicant argued that "Vaziri also does not teach that the call is rejected prior to completion. In Vaziri, the entire process depends upon the users agreeing to switch and then activating their respective ISBs." (Remark Page 6 Line 27-29). While Vaziri teaches the method where the users agree to switch and then activate their respective ISBs, Vaziri also teaches the method where the switching is done automatically (Page 6 Line 15-17).

In regard to claim 1, the applicant argued that "Vaziri does not teach that a call to the data network service provider is made from the destination phone, but that the ISB makes that call." (Remark Page 7 Line 1-2). As discussed above, Vaziri teaches the ISB integrated within the telephone (Page 5 Line 4-5), therefore, whatever functions the ISB performs, the phone is performing.

In regard to claim 2, the applicant argued that "Vaziri does not teach that the destination phone is a personal computer, but that a personal computer may be used as a help desk to program the ISB over the phone line." (Remark Page 7 Line 8-10). While Vaziri teaches a personal computer 908 used as a help desk, Vaziri

also teaches the embodiment where the phone is a personal computer (Page 15 Line 8-9).

In regard to claim 2, the applicant argued that "Vaziri does not teach that the destination phone rejects the PSTN call prior to completion, as discussed above, much less that the destination phone is a personal computer." (Remark Page 7 Line 10-12). As discussed above, Vaziri teaches that the destination phone rejects the PSTN call prior to completion (Page 6 Line 15-17) and that the destination phone is a personal computer (Page 15 Line 8-9).

In regard to claim 3, the applicant argued that "Vaziri does not teach that the ISB is a customized telephone, but that the hardware of an ISB can be placed inside the same casing as a telephone. The customized telephone, as that term is defined in the specification, does not have any additional hardware." (Remark Page 7 Line 13-16). The customized telephone, as that term is defined in the specification, is a standard telephone customized to include the necessary software to perform the method of the invention (Specification Page 3 Line 7-8). Vaziri teaches a customized telephone (Page 18 Line 4-18).

In regard to claim 4, the applicant argued that "Vaziri does not teach that the call to the network service provider is made by the destination phone via the PSTN, but that the ISB makes that call" (Remark Page 7 Line 17-18). As

discussed above, Vaziri teaches the ISB integrated within the telephone (Page 5 Line 4-5), therefore, whatever functions the ISB performs, the phone is performing.

In regard to claim 5, the applicant argued that "Vaziri does not teach that the call to the network service provider is made by the destination phone via a LAN, but that the ISB makes the call." (Remark Page 7 Line 19-20). As discussed above, Vaziri teaches the ISB integrated within the telephone (Page 5 Line 4-5), therefore, whatever functions the ISB performs, the phone is performing.

In regard to claim 6, the applicant argued that "the detection of the rejected call is made prior to completion of the call" (Remark Page 7 Line 25-26). As discussed above, while Vaziri teaches the method where the users agree to switch and then activate their respective ISBs, Vaziri also teaches the method where the switching is done automatically (Page 6 Line 15-17).

In regard to claim 6, the applicant argued that "the call to the network service provider is made by the origination phone, not an ISB" (Remark Page 7 Line 26-27). As discussed above, Vaziri teaches the ISB integrated within the telephone (Page 5 Line 4-5), therefore, whatever functions the ISB performs, the phone is performing.

In regard to claim 7, the applicant argued that "the reference to Vaziri, page 42, line 17 is used to show both a destination phone and the origination phone. It must be one or the other." (Remark Page 7 Line 31-32). A phone can be both a destination phone and the origination phone depending on whether it initiated the call or not.

In regard to claim 7, the applicant argued that "the use of the personal computer is not as an origination phone or a destination phone, but as a means for a help desk to assist a user with their ISB." (Remark Page 7 Line 33-34). As discussed above, while Vaziri teaches a personal computer 908 used as a help desk, Vaziri also teaches the embodiment where the phone is a personal computer (Page 15 Line 8-9).

In regard to claim 8, 9 and 10, the applicant argued that allowance of these claims is requested for the reasons as applied to claims 3, 4 and 5 (Remark Page 8 Line 3-6). Arguments on the claim 3, 4 and 5 are discussed above.

In regard to claim 11, the applicant argued that "Vaziri does not teach a network phone having a phone connector operable to connect to a PSTN. Connector 406, referred to in the office action is "telephone jack 404 for connection to the telephone 212," and the ISB 404 also has a "telephone jack 406 for connection to telephone line 212." Therefore, Vaziri does not teach a network

phone.” (Remark Page 8 Line 7–11). Vaziri teaches a network phone having a phone connector 406 operable to connect to a PSTN. As discussed above, Vaziri teaches the ISB integrated within the telephone (Page 5 Line 4–5), therefore, whatever functions the ISB performs, the phone is performing.

In regard to claim 11, the applicant argued that “Component 2B15 is referred to as a telephony interface. See page 18, line 14 of Vaziri. There is no indication that this is capable of detecting supplementary signals.” (Remark Page 8 Line 12–14). Vaziri teaches the phone that has integrated caller ID (Page 15 Line 4–5). Therefore, the telephony interface is capable of detecting supplementary signals.

In regard to claim 11, the applicant argued that “the telephony interface and the connector are part of the ISB, not a phone” (Remark Page 8 Line 14–15). As discussed above, Vaziri teaches the ISB integrated within the telephone (Page 5 Line 4–5), therefore, whatever functions the ISB performs, the phone is performing.

In regard to claim 11, the applicant argued that “the detector is not part of the phone, but part of the ISB” (Remark Page 8 Line 17). As discussed above, Vaziri teaches the ISB integrated within the telephone (Page 5 Line 4–5), therefore, whatever functions the ISB performs, the phone is performing.

In regard to claim 12 and 13, the applicant argued that "the ISB is a separate piece of hardware in Vaziri. It is not part of a network phone, with that phone be a customized telephone or a PC." (Remark Page 8 Line 21-22). As discussed above, Vaziri teaches the ISB integrated within the telephone (Page 5 Line 4-5), therefore, whatever functions the ISB performs, the phone is performing.

In regard to claim 14-20, the applicant argued that allowance of these claims is requested for the reasons as applied to claims 1-3, 6-8 and 11, respectively (Remark Page 8 Line 25-32). Arguments on the claim 1-3, 6-8 and 11 are discussed above.

Therefore, the examiner contends that Vaziri teaches all the limitations in claims 1-20.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will

be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (703) 305-0372. The examiner can normally be reached on Monday – Thursday 7 – 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

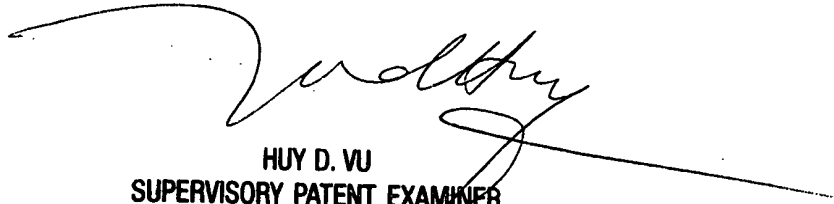
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C. Han
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Examiner
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